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In re Application of	:	
ODO et al.	:	
Application No.: 09/830,032	:	DECISION ON PAPERS FILED
PCT No.: PCT/JP99/05819	:	UNDER 37 CFR 1.42
Int. Filing Date: 21 October 1999	:	
Priority Date: 22 October 1998	:	
Attorney Docket No.: Q63670	:	
For: CYCLIC PHENOL SULFIDE METAL	:	
COMPLEX CATALYSTS COMPRISING	:	
THE SAME AND METHOD FOR	:	
ANALYZING HYDROGEN PEROXIDE	:	

The is a response to "Submission of Executed Declaration" filed 27 August 2001, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 21 October 1999, applicant filed international application no. PCT/JP99/05819 which claimed a priority date of 22 October 1998 and designated the United States. A Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire on 22 April 2001.

On 20 April 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee and an English translation of the international application.

On 26 June 2001, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed and a Notification of Defective Translation (Form PCT/DO/EO/913) indicating that claim 15 of the English translation of the international application had not been properly translated. The notification set a two-month time limit in which to respond.

On 27 August 2001, applicant filed "Submission of Executed Declaration" which was accompanied by, among other items: an executed declaration and power of attorney; an assignment; preliminary amendment; and replacement page 62 of the translated

international application.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 27 August 2001 is executed by: Juniichi Odo, Nobulo Kawahara, Koichi Akashi, Sotaro Miyano, Nobuhiko Iki, Naoya Morohashi, Setsuko Miyanari and Hitoshi Kumagai as joint inventors; and Kazau Takeya as the "legal representative" of the deceased inventor, Haruhiko Takeya. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 27 August 2001.

Deposit Account No.19-4880 has been charged a \$130 processing under 37 CFR 1.492(f) for supplying an English translation later than 30 months from the earliest claimed priority date.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 21 October 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **27 August 2001**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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